

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States District Court  
Southern District of Texas  
FILED

OCT - 1 2019

David J. Bradley, Clerk

United States of America  
v  
Braulio Alberto Silva De La Cruz  
YOB: 1980  
Mexican States CitizenCase No. M-19-2332-MDefendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 30, 2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*21 U.S.C. § 841  
21 U.S.C. § 952

knowingly and intentionally possess with intent to distribute approximately 43.5 kilograms of Cocaine, a Schedule II substance, and did knowingly and intentionally import approximately 43.5 kilograms of Cocaine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.Approved by Amy L. Greenbaum 10/1/19  
Sworn to before me and signed in my presence.Date: 10/1/20198:38 amCity and state: McAllen, TexasV. Garza  
Complainant's signatureVictor Garza, HSI Special Agent  
Printed name and titlePeter Ormsby  
Judge's signatureU.S. Magistrate Judge Peter Ormsby  
Printed name and title

### **Attachment "A"**

On September 30, 2019, Homeland Security Investigations (HSI), McAllen, Texas, was notified by Customs and Border Protection (CBP) that Braulio Alberto Silva De La Cruz attempted to enter the United States (U.S.) from Mexico via the Pharr Port of Entry in Pharr, Texas, as the driver of a red in color semi-tractor displaying Mexican license plates 92AK8J. During primary inspection, Silva De La Cruz appeared anxious to leave and the Customs and Border Protection Officer (CBPO) noticed the semi-tractor only had one previous crossing. The CBPO referred the semi-tractor for secondary inspection.

During secondary inspection a CBPO narcotics K-9 alerted to the presence of narcotics in an auxiliary oil tank behind the sleeper of the semi-tractor. CBP conducted an X-ray exam of the auxiliary oil tank which revealed a smaller box with packages. Further inspection of the auxiliary oil tank revealed forty (40) bundles containing a white powdery substance. The white powdery substance field tested positive for cocaine. The forty (40) bundles had a total weigh of 43.5 kilograms of cocaine.

HSI McAllen special agents responded to the port of entry to interview Silva De La Cruz who was advised of his Miranda Warnings which he waived and agreed to answer questions without an attorney present. Silva De La Cruz stated knew the semi-tractor was loaded with narcotics and he was being paid \$2,000.00 to drive the semi-tractor into the U.S. for a subject in Mexico. Silva De La Cruz said he does not know what is in the semi-tractor, only that it contains some type of narcotics.